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Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ONE 2005 NISSAN TITAN)
PICKUP TRUCK, CALIFORNIA)
LICENSE NO. 7U07825,)
VIN 1N6AA07A85N522608,)
ITS TOOLS AND APPURTENANCES,)
)
Defendant.)

Civil No.

EX PARTE MOTION TO APPOINT
CUSTOMS AND BORDER PROTECTION
AS CUSTODIAN

COMES NOW the Plaintiff, United States of America, and moves
this Court for an order appointing the Bureau of Customs and
Border Protection (CBP), United States Department of Homeland
Security, as custodian of the above-described defendant property
upon execution of the warrant of arrest in rem. In support of
this motion, the plaintiff states as follows:

1. The CBP has been staffed with personnel experienced in
providing for the management of properties such as the defendant
in this case.

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SOUTHERN DISTRICT OF CALIFORNIA
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1 2. The CBP has consented to assume responsibility for the
2 protection and safety of the defendant during the period the same
3 remains in *custodia legis*.

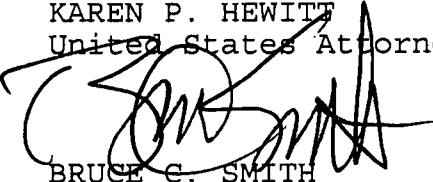
4 3. The continued custody by the CBP following execution of
5 the warrant of arrest *in rem* is necessary and in the best
6 interests of the United States in this case given the nature of
7 the defendant and the expertise within the CBP to provide for the
8 management, protection and preservation of the defendant.

9 4. It is further requested that all reasonable expenditures
10 incurred by the CBP be a first charge against the defendant.

11 WHEREFORE, the United States respectfully requests that this
12 motion to appoint CBP as custodian of the defendant property be
13 granted.

14 DATED: JUNE 13, 2008

15 KAREN P. HEWITT
16 United States Attorney

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18 BRUCE C. SMITH
19 Assistant U.S. Attorney